IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Surendra GOEL et al.
Serial No. : 09/749,627
Filed : December 28, 2000
Title : DISPLAYING SEARCH RESULTS

Art Unit : 2141
Examiner : Kristie D Shingles
Confirmation No.: 5980

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

America Online, Inc. is the real party in interest.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 1-23 are pending, with claims 1, 8, and 17 being independent.

(4) Status of Amendments

All amendments have been entered.

(5) Summary of Claimed Subject Matter

Independent claim 1 is directed to a method for displaying web site search results obtained from searching multiple electronic information stores without distinguishing the particular electronic information stores in the display. See, e.g., Application, Page 30, Line 22 to page 33, Line 6; Fig. 10a.

The method includes receiving at least one search term and storing internal content at a web host. See, e.g., Application, Page 10, Line 22; Fig. 7, element 710; Fig 8, element 810, Fig 9, element 910. The method also includes comparing, at the web host, the search term with first electronic information within a first electronic information store to determine whether matches exist, the first electronic information including the internal content provided by the web host and

being made accessible only to members of the web host. See, e.g., Application, Page 31, Line 7 to 15; Fig. 10a, element 1020. The method also includes comparing the search term with second electronic information within a second electronic information store to determine whether matches exist, the second electronic information including content provided by a source other than the web host and being made accessible to both the members of the web host and non-members. See, e.g., Application, Page 31, Line 16 to 24; Fig. 10a, element 1030. The method also includes displaying results based on the matches that are determined to exist with the first electronic information and the second electronic information, wherein the results are displayed in a single interface of results comprised of the matches that are determined to exist with the first electronic information and the second electronic information. See, e.g., Application, Page 31, Line 25 to Page 33, Line 6; Figs. 1040.

Independent claim 17 is directed to a computer program stored on a computer readable medium for displaying web site search results obtained from searching multiple electronic information stores transparently without distinguishing the particular electronic information store. See, e.g., Application, Page 30, Line 22 to page 33, Line 6; Fig. 10a.

The computer program includes instructions for comparing, at the web host, the search term with first electronic information within a first electronic information store to determine whether matches exist, wherein the first electronic information includes the internal content provided by the web host and being made accessible only to members of the web host. See, e.g., Application, Page 31, Line 7 to 15; Fig. 10a, element 1020.

The computer program also includes instructions for comparing the search term with second electronic information within a second electronic information store to determine whether matches exist, wherein the second electronic information includes content provided by a source other than the web host and being made accessible to both the members of the web host and non-members. See, e.g., Application, Page 31, Line 16 to 24; Fig. 10a, element 1030.

The computer program also includes instructions for displaying results based on the matches that are determined to exist with the first electronic information and the second electronic information, wherein the results are displayed in a single interface of results comprised of the matches that are determined to exist with the first electronic information and the second electronic information. See, e.g., Application, Page 31, Line 25 to Page 33, Line 6; Figs. 1040.

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Independent claim 8. is directed to a method for displaying web site search results that are produced from searching multiple electronic information stores. See, e.g., Application, Page 30, Line 22 to page 33, Line 6; Fig. 10a.

The method includes receiving at least one search term and storing content at a web host. See, e.g., Application, Page 10, Line 22; Fig. 7, element 710; Fig 8, element 810, Fig 9, element 910.

The method also includes comparing, at the web host, the search term with first electronic information within a first electronic information store maintained by the web host and being made accessible only to members of the web host to produce first results based on matches that are determined to exist. See, e.g., Application, Page 31, Line 7 to 15; Fig. 10a, element 1020.

The method also includes sending the search term to a third party search service for use in comparing the search term to at least second electronic information within a second electronic information store being made accessible to both the members of the web host and non-members, to produce second results based on matches that are determined to exist. See, e.g., Application, Page 31, Line 16 to 24; Fig. 10a, element 1030.

The method also includes receiving the second results from the third party search service and displaying the first results and second results as a single interface of results, the results including at least one web site identifier. See, e.g., Application, Page 31, Line 25 to Page 33, Line 6; Figs. 1040.

(6) Grounds of Rejection

Claims 1, 3-8, and 10-19 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Singhal (6,370,527) in view of Holt et al (6,601,061).

Claims 2, 9 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Singhal (6,370,527) in view of Navin-Chadra et al (6,275,820).

(7) Argument

The Rejection Of Claims 1, 3-8, and 10-19 and 21-23 as being unpatentable over Singhal (6,370,527) in view of Holt et al (6,601,061) Should Be Reversed.

The combination of Singhal and Holt fails to disclose at least one feature recited by those claims – namely searching member-only electronic information of the web host.

Claim 1 recites (with emphasis added) a method displaying web site search results obtained from searching multiple electronic information stores without distinguishing the particular electronic information stores in the display, the method includes receiving at least one search term and storing internal content at a web host. The web host compares the search term with first electronic information within a first electronic information store to determine whether matches exist. The first electronic information includes content that is provided by the web host and that is made accessible only to members of the web host. The search term is compared with second electronic information within a second electronic information store to determine whether matches exist. The second electronic information includes content that is provided by a source other than the web host and that is made accessible to both members of the web host and non-members. The method further includes displaying results based on the matches that are determined to exist with the first electronic information and the second electronic information, wherein the results are displayed in a single interface of results comprised of the matches that are determined to exist with the first electronic information and the second electronic information.

Searching member-only electronic information is not disclosed by Holt. In fact, Holt never even refers to the notion of a membership, much less searching member-only electronic information.

Paragraph 3, section a. of the October 4, 2005 Office Action asserts that Holt discloses "the first electronic information that includes content that is provided by the web host and that is made accessible only to members of private companies, universities, government etc.". In support of this assertion, the Office Action refers to Abstract, column 3, line 54-column 4, line 65, column 5, lines 4-25 of Holt, a portion of Holt that merely suggests the notion of a private or special purpose search resources. Without any further support, the Office Action states that Holt's reference to a special purpose search resource meets the claimed member-only electronic information.

This position is simply not tenable. For reasons set forth below, Applicants respectfully disagree with the conclusion drawn by the Office Action from these cited sections, and submits that Holt fails to disclose or suggest "the first electronic information includes content that is

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provided by the web host and that is made accessible only to members of the web host", as cited in claim 1.

The sections of Holt that referenced by the Office Action are primarily dedicated to describing the special purpose search resources that are used to supplement searches done by general search engines. Holt does not describe distinguishing among classes of users, nor do Holt otherwise recognize any distinction between members and non-members, or content accessible thereto. In fact, Holt is silent with respect to the terms "member" and "nonmember", or other terms that relate to class or other distinctions between members and nonmembers. Consequently, Holt fails to distinguish among member-specific content and nonmember-specific content, and also fails to apply search terms against electronic information stores dedicated to each, as claimed by the Applicants.

Being more explicit, claim 1 recites two comparisons, a first comparison between the search term and a first electronic information store that includes internal content made accessible only to members of a web host, and a second comparison between the search term and a second electronic information store that includes content made accessible to both members and non-members of the web host. Having failed to recognize a distinction among members and nonmembers or content made accessible to either class of users, Holt necessarily fails to disclose the claimed comparisons of the search term against content that is designated as member-only content and content that is designated as generally available.

More particularly, Holt discloses a method for supplementing the results from a general purpose search engine (e.g., Yahoo, Excite, Alta Vista) with results made available from more obscure search engines. See, e.g., col. 4, lines 46-55 and col. 1, lines 24-46, describing obscure search engines offered by entities such as USPTO.gov, IBM.com, Harvard or MIT.

Holt does not determine whether a user who submits a query is a member, nor does Holt focus comparisons of a search dependent upon results of such a determination. Rather, Holt teaches formulation of a search strategy based solely on the profile of a destination search engine, irrespective of the search submitter's status as a member or non-member. It is for at least these reasons that Holt cannot be said to compare a search term against content that is designated as member-only content and content that is designated as generally available.

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Notably, Holt uses the term "private" when describing the obscure search engines that are used to supplement the results otherwise produced by the general purpose search engines. However, this term is not used to infer discrimination among query-submitting users. Instead it is used to classify/distinguish search resources. See, e.g., col. 1, lines 26-46, which use the terms "private" and "special purpose" merely to distinguish privately-maintained and focused search engines such as those maintained by individual corporations, government and universities (e.g., USPTO.gov, MIT.edu) from search resources maintained publicly (e.g., Yahoo.com). See, e.g., col. 1, lines 24-30. Mere disclosure of a search resource as "private" or "special purpose" does not suggest a lack of general availability of such a resource. This is particularly true in the context of Holt's disclosure, where the term private is used to differentiate from public or governmental, thus characterizing the party responsible for the search resource or the utility of the resource rather than the resource's availability or lack thereof. The following excerpt from Holt illustrates this point, as it demonstrates that Holt uses "special purpose search resources" simply to identify a resource as obscure, or not well-known, as opposed to well known public search resources such as Yahoo.com or Excite.com

> "The latter [private or special purpose search resources], even if provide extensive search abilities, are not in the searching business, and are referred as 'special purpose search resources … the distinction is somewhat artificial, the techniques disclosed below for manipulating special purpose search resources are also applicable to public search resources", See, e.g., Holt Col. 1 TERMINOLOGY

Moreover, the purpose of introducing the private search resources of Holt is to introduce the method of finding such private/unknown resources "… the search server may search using keywords such as search, input type, form, size, submit, etc., all of which are terms commonly used to define web pages search ability….", See., e.g., Holt Col 6, lines 22-26. Accordingly, the use by Holt of the term private or special purpose to characterize search resources has no bearing on the invocation of restrictions on access to such resources, and thus is not disclosure of applying a search against member-only electronic information as claimed.

Singhal does not remedy the above noted deficiency of Holt, as clearly stated by the examiner, that "Singhal fails to explicitly teach the first electronic information including the internal content provided by the web host and being accessible only to members of the web host…" See, e.g., Office Action, Paragraph 3, section a. second paragraph. Therefore neither

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Singhal nor Holt, nor any proper combination of the two, discloses or properly suggests all of the limitations of independent claim 1.

For at least these reasons, it is clear that Singhal and Holt fails to meet the burden of teaching imposed under 35 U.S.C. §103(a), such that Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims1, 3-8, 10-19 and 21-23.

The Rejection Of Claims 2, 9 and 20 as being unpatentable over Singhal (6,370,527) in view of Navin-Chadra et al (6,275,820) Should Be Reversed

The combination of Singhal and Navin-Chadra fails to disclose a first electronic information store maintained by the web host and being made accessible only to members of the web host, as recited in claim 1 and thus fails to support the presently pending rejection of claims 2, 9 and 20 under 35 U.S.C. §103.

As noted above, Singhal fails to describe or suggest a first electronic information store maintained by the web host and being made accessible only to members of the web host, as recited in claim 1. Navin-Chadra fails to remedy the Singhal's shortcomings and, notably, is not relied upon in the Office Action to support the rejection of these features.

For at least these reasons, it is clear that Singhal and Navin-Chadra fails to meet the burden of teaching imposed under 35 U.S.C. §103(a), such that Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims1,9 and 20.

Pursuant to 37 CFR §1.136 and the Notice of Appeal filed March 3, 2006, Applicants hereby petition that the period for response be extended for one month to and including June 3, 2006.

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The fee in the amount of $620 in payment of the appeal brief ($500) and for the one-month extension of time fee ($120) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5|11|2006
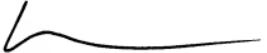
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Appendix of Claims

1. (Previously presented) A method for displaying web site search results obtained from searching multiple electronic information stores without distinguishing the particular electronic information stores in the display, the method comprising:

receiving at least one search term and storing internal content at a web host;

comparing, at the web host, the search term with first electronic information within a first electronic information store to determine whether matches exist, the first electronic information including the internal content provided by the web host and being made accessible only to members of the web host;

comparing the search term with second electronic information within a second electronic information store to determine whether matches exist, the second electronic information including content provided by a source other than the web host and being made accessible to both the members of the web host and non-members; and

displaying results based on the matches that are determined to exist with the first electronic information and the second electronic information, wherein the results are displayed in a single interface of results comprised of the matches that are determined to exist with the first electronic information and the second electronic information.

2. (Previously presented) The method of claim 1 wherein displaying results includes displaying results such that whether the results are obtained from the source other than the web host or the web host is transparent to a user viewing the single interface of results.

3. (Original) The method of claim 1 wherein:

receiving at least one search term comprises receiving several search terms and grouping the search terms received as a single string;

comparing the search term with the first electronic information comprises comparing the single string of search terms with the first electronic information to determine whether matches exist; and

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comparing the search term with the second electronic information comprises comparing the single string of search terms with the second electronic information to determine whether matches exist.

4. (Original) The method of claim 1 wherein the first electronic information further includes proprietary web content such that comparing the search term with the first electronic information includes comparing the search term with the proprietary web content within the first electronic information store to determine whether matches exist.

5. (Original) The method of claim 4 wherein the second electronic information further includes non-proprietary web content such that comparing the search term with the second electronic information includes comparing the search term with the non-proprietary web content within the second electronic information store to determine whether matches exist.

6. (Original) The method of claim 1 wherein the results include a ranked list of web site identifiers.

7. (Previously presented) The method of claim 6 wherein the results from the matches determined to exist with the internal content from the web host are ranked higher than the results from the matches determined to exist with the content from the source other than the web host.

8. (Previously presented) A method for displaying web site search results that are produced from searching multiple electronic information stores, the method comprising:
    receiving at least one search term and storing content at a web host;
    comparing, at the web host, the search term with first electronic information within a first electronic information store maintained by the web host and being made accessible only to members of the web host to produce first results based on matches that are determined to exist;
    sending the search term to a third party search service for use in comparing the search term to at least second electronic information within a second electronic information store being

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made accessible to both the members of the web host and non-members, to produce second results based on matches that are determined to exist;

receiving the second results from the third party search service; and

displaying the first results and second results as a single interface of results, the results including at least one web site identifier.

9. (Previously presented) The method of claim 8 wherein the single interface of results is transparent as to a source of the results.

10. (Original) The method of claim 8, wherein the second electronic information within the second electronic information store is maintained by the third party search service.

11. (Previously presented) The method of claim 8 wherein displaying the first results and the second results includes integrating the first results and the second results without displacing.

12. (Original) The method of claim 8 wherein the first electronic information includes proprietary information.

13. (Original) The method of claim 12 wherein the second electronic information includes information that is non-proprietary to a provider of the first electronic information.

14. (Original) The method of claim 13 wherein the second electronic information includes information that is proprietary to the third party search service.

15. (Original) The method of claim 8 wherein the first electronic information within the first electronic information store is maintained by an internet service provider.

16. (Original) The method of claim 8 wherein the results include identifiers for several web sites, and displaying the results includes ranking identifiers for the several web sites.

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17. (Previously presented) A computer program stored on a computer readable medium for displaying web site search results obtained from searching multiple electronic information stores transparently without distinguishing the particular electronic information store, comprising instructions for:

receiving at least one search term and storing internal content at a web host;

comparing, at the web host, the search term with first electronic information within a first electronic information store to determine whether matches exist, wherein the first electronic information includes the internal content provided by the web host and being made accessible only to members of the web host;

comparing the search term with second electronic information within a second electronic information store to determine whether matches exist, wherein the second electronic information includes content provided by a source other than the web host and being made accessible to both the members of the web host and non-members; and

displaying results based on the matches that are determined to exist with the first electronic information and the second electronic information, wherein the results are displayed in a single interface of results comprised of the matches that are determined to exist with the first electronic information and the second electronic information.

18. (Original) The computer program of claim 17 wherein the computer readable medium comprises a propagated signal.

19. (Original) The computer program of claim 18 wherein the propagated signal comprises a carrier wave.

20. (Previously presented) The computer program of claim 17 wherein displaying results includes displaying results such that whether the results are obtained from the source other than the web host or the web host is transparent to a user viewing the single interface of results.

21. (Previously presented) The method of claim 1 wherein the displaying results includes:

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displaying results from the web host in a first section of the single interface of results;

displaying results from the source other than the web host in a second section of the single interface of results, wherein the first section and the second section are physically distinct from each other.

22. (Previously presented) The method of claim 8 wherein:

the first results are in a first section of the single interface of results;

the second results are in a second section of the single interface of results; and

the first section and the second section are physically distinct from each other.

23. (Previously presented) The computer program of claim 17 wherein displaying results includes:

displaying results from the first electronic store in a first section;

displaying results from the second electronic store in a second section; and

the first section and the second section distinctly exclude each other.

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Evidence Appendix

None

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Related Proceedings Appendix

None